

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DANNY STARNER,

Petitioner,

vs.

CHARLOTTE JENKINS, Warden,

Respondent.

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CASE NO. 3:15-CV-1841

ORDER

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In 2008, a jury convicted Petitioner Danny Starner on eight counts of gross sexual imposition and fourteen counts of rape of a child under the age of thirteen.¹ The trial court sentenced Starner to thirty years to life in prison.² On August 4, 2016, this Court issued its opinion on the merits of Starner's petition for a writ of habeas corpus.³ For the reasons set forth in that opinion, the Court **DENIED** Starner's petition and **TERMINATED** this action under [Federal Rule of Civil Procedure 58](#).⁴

On September 1, 2016, Starner filed a notice of appeal of that order to the United States Court of Appeals for the Sixth Circuit.⁵ On December 6, 2016, the Sixth Circuit held Starner's appeal in abeyance so that this Court may consider whether to grant Starner a certificate of appealability.⁶

¹ Doc. 7-1 at 19.

² *Id.* at 20-21.

³ Doc. [24](#).

⁴ Doc. [25](#).

⁵ Doc. [26](#).

⁶ Doc. [29](#).

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A certificate of appealability may issue only if this Court's conclusion is "debatable among jurists of reason; that a court could resolve the issue[] in a different manner; [and] that the question [is] adequate to deserve encouragement to proceed further."⁷

No such conditions exist here. Therefore, this Court **DECLINES** to grant Starner a certificate of appealability.

IT IS SO ORDERED.

Dated: December 7, 2016

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ *Barefoot v. Estelle*, 463 U.S. 880 (1983); *see also* 28 U.S.C. § 2253(c)(2).